

**Status of the Claims**

Claims 4 and 9 were previously canceled.

Claims 1-3, 5-8 and 10 have been rejected under 35 USC103(a) for obviousness over Winberg in view of Helmersson and further in view of Wallentin.

Claims 1 and 6 are amended herein.

**Claim 1**

Amended claim 1 requires:

“determining whether or not the shared channels are to operate such that acknowledgement of receipt is sent on receiving data”

and

“deciding to make the transfer, dependent upon .... and upon said determination whether or not the shared channels are to operate such that an acknowledgement of receipt is sent on receiving data.”

The Examiner considers that “determining whether or not the shared channels operate such that of receipt is sent on receiving data” is disclosed by Winberg, but that the there “missing” feature of an acknowledgement is disclosed by a further cited document, namely Wallentin, such that the “full” claim feature of “determining whether or not shared channels operate such that acknowledgement of receipt is sent on receiving data” is taught by the Winberg and Wallentin combination.

This allegation is respectfully refuted for the following reasons:

- (1) Because the words “determining whether or not the shared channels operate such that of receipt is sent on receiving data” makes virtually no sense, the applicant is uncertain of the true extent of the Examiner’s rejection making it difficult for the applicant to evaluate his position.
- (2) The cited passages of Winberg raised by the Examiner against this feature (see paragraph spanning pages 3 and 4 of the office action mailed November 2, 2007) do not apparently disclose “determining whether shared channels operate such that of receipt is sent on receiving data (emphasis added)”.

The Examiner has in particular failed to explain where exactly the portion of this feature underlined above is disclosed.

- (3) The Examiner appears correct that Wallentin column 7 lines 45-62 discloses “an acknowledgement” in particular that an acknowledgement of receipt is sent on receiving data. However, the skilled reader is not motivated to provide the present invention for the following reasons:

(a) Winberg teaches deciding whether to switch between dedicated and shared channels based on buffer level threshold values, data throughput level threshold values, and time values (see Winberg page 4 numbered lines 23-24, page 5 numbered lines 24-26). Winberg does not suggest looking at any other parameters for this determination. Accordingly, contrary to the Examiner's contention, Winberg does not teach the feature of "deciding to make the transfer, dependent upon... and upon said determination whether or not the shared channels operate such that of receipt is sent on receiving data" (whatever the phrase "such that of receipt is sent" means). In this regard, the Examiner's citation of page 2 lines 1-30, page 31 lines 1-32 and page 4 lines 1-21 is insufficiently reasoned.

(b) Wallentin teaches deciding whether to switch between dedicated and shared channels based on a threshold of number of sent packets awaiting receipt of acknowledgement from the receiver (see column 7 lines 58-62). Importantly, in this regard the present invention runs contrary to this teaching. The present invention relates to deciding whether to switch based on determining/(said determination) whether or not the shared channels are to operate such than an acknowledgement of receipt is sent on receiving data (emphasis added).

(c) It follows that the skilled reader would not seek to combine Winberg and Wallentin, it being contrary to the principle of operation of Wallentin to move away from deciding whether to switch between dedicated and shared channels based on exceeding a threshold of the number of acknowledgements awaited (disclosed by Wallentin); to deciding whether to switch between dedicated and shared channels based on a determination whether or not the shared channels are to operate such that acknowledgement of receipt are sent.

(d) The features of "determining whether or not the shared channel are to operate such that acknowledgement of receipt is sent on receiving data" and deciding "to make the transfer dependent on".."said determination" are also not taught nor suggested by Helmersson.

It follows that claim 1 is patentable to the standard of USC 103(a) over the cited art.

#### Claims 2 to 3, 5

Dependent claims 2, 3 and 5 are patentable not least on the basis that they each depend on an allowable independent claim 1.

#### Claim 6

Amended claim 6 requires:

“the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon;

...a third input signal to the decision means indicating whether or not the shared channels are to operate such that an acknowledgement of receipt is sent on receiving data.”

In like fashion to claim 1, the Examiner considers that Winberg discloses an “input signal to the decision means” indicating whether or not the shared channels operate such that of receipt is sent on receiving data”, but the there missing feature of “an acknowledgement” is disclosed by Wallentin, such that the full claim feature of an “input signal to the decision means indicating whether or not the shared channels operate such that acknowledgement of receipt is sent on receiving data” is taught by the Winberg and Wallentin combination.

This is respectfully refuted for the reasons presented above in respect of claim 1, to which the reader is now referred.

Neither Wingberg nor Helmersson nor Wallentin teach or suggest a third input signal to the decision means indicating whether or not the shared channels are to operate such that an acknowledgement of receipt is sent on receiving data.

Neither Wingberg nor Helmersson nor Wallentin suggest decision means operate to control transfer of a call connection between dedicated and shared channels dependent upon, amongst other things, that third input signal.

#### Claims 7, 8 and 10

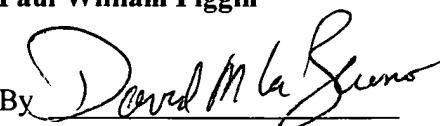
Dependent claims 7, 8 and 10 are patentable not least one the basis that they each depend on an allowable independent claim 6.

**Conclusion**

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, John Ligon, at **973 386 4237**.

Respectfully submitted,

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